



Entered on Docket
October 06, 2009

A handwritten signature in black ink, appearing to read "Mike K. Nakagawa", is positioned above the judge's name.

Hon. Mike K. Nakagawa
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF NEVADA

In re:)	Case No.: 09-23702-mkn
)	
Jason and Maya Owens,)	Chapter 13
)	
Debtors.)	Hearing Date: September 10, 2009
)	Hearing Time: 3:30 p.m.

**ORDER GRANTING MOTION TO VALUE COLLATERAL,
"CRAM DOWN" AND MODIFY RIGHTS OF LENDER**

Upon the motion (the "Motion") of Jason and Maya Owens, the Debtors in the above captioned proceeding (the "Debtor"), for their home located 2024 South Baldwin Unit 48, Mesa, AZ 89052 ("Subject Property"), requesting entry of an order to Value Collateral, "Cram Down" and Modify Rights of Americas Servicing Company (the "Mortgage") pursuant to 11 U.S.C. § 506(a) and § 1322;¹ and due notice of the Motion and the hearing of the Motion having been given to all parties entitled thereto; and a hearing having been held before this Court on September 10, 2009 (the "Hearing"), to consider approval of the Motion, at which time all parties in interest were afforded an opportunity to be heard; and the Court finding that the property has a value of

¹ Capitalized terms not otherwise defined herein have the meanings ascribed to them in the Motion

1 \$95,000.00; and because there are no objections to the Motion having been filed; it is hereby:

2 **ORDERED** that the Motion is **GRANTED**; it is further

3 **ORDERED** that the unsecured portion of the Americas Servicing Company claim is
4 reduced and shall be treated "general unsecured claim" in the amount of \$29,530.00, pursuant to
5 11 U.S.C. Section 506(a); and it is further.

7 **ORDERD** that the unsecured portion of Americas Servicing Company claims be
8 reclassified as general unsecured claims to be paid pro rata with other general unsecured
9 creditors through the Debtor's Chapter 13 plan; and it is further

11 **ORDERED** that Americas Servicing Company secured rights and/or lien-holder rights in
12 the Subject Property are hereby modified as set forth above and reduced to \$95,000.00; and it is
13 further


15 **ORDERED** that the Debtors must complete the Chapter 13 plan and receive a discharge
16 or the lien may be reinstated; and it is further

18 **ORDERED** that as provided by Fed. R. Bankr. P. 7062, this Order shall be effective and
19 enforceable immediately upon entry.

21 Submitted by:

22 The Schwartz Law Firm, Inc.

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25 By /s/ Sean McClenahan
26 Sean McClenahan #10141
27 Attorneys for Debtor

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Kathleen Levitt
Chapter 13 Trustee

SUBMISSION TO COUNSEL FOR APPROVAL PURSUANT TO LR 9021

In accordance with LR 9021, counsel submitting this document certifies as follows (check one):

☐ The court has waived the requirement of approval under LR 9021.

☐ No parties appeared or filed written objections, and there is no trustee appointed in the case.

☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

APPROVED: Kathleen Levitt

DISAPPROVED:

FAILED TO RESPOND: